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as follows:

Group I, claims 22-30, asserted to be drawn to a lightweight part classified in class 428, subclass 613;

Group II, claims 1-10, asserted to be drawn to a process of manufacturing metal foam classified in class 75, subclass 415; and

Group III, claims 11-21, asserted to be drawn to a device for manufacturing metal foam classified in class 166, subclass 200.

The Examiner asserted that the inventions of Groups I and II were related as process of making and product made, and that the inventions are distinct from each other under M.P.E.P. § 806.05(f) because “the product as claimed can be made by another materially different process such as a process using a plate with spaced perforations to introduce gas into a melt instead of using feed pipes.” The Examiner also asserted that the inventions of Groups I and III were related as apparatus and product made, and that the inventions are distinct from each other under M.P.E.P. § 806.05(g) because “the product as claimed can be made by another materially different apparatus such as an apparatus having a plate with spaced perforations to introduce gas into a melt instead of using feed pipes.” The Examiner additionally also asserted that the inventions of Groups II and III were related as process and apparatus for its practice, and that the inventions are distinct from each other under M.P.E.P. § 806.05(e) because “the apparatus as claimed can be made by another materially different

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process such as manufacturing non-metal foams.”

Applicant also submits that the restriction requirement set forth by the Examiner omits one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. As set forth in M.P.E.P. § 803 "an appropriate explanation" must be set forth by the Examiner as to the existence of a "serious burden" if the restriction were not required. By virtue of the Examiner's requirement and because the claims of the various groups are so closely related, it is submitted that there is no serious burden on the Examiner in examining all of the claims together. Furthermore, as noted above, the search for all of the claims includes at least some amount of overlap. Thus, no serious burden would come to bear on the Examiner.

For all these reasons, and consistent with the office policy as set forth in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the restriction requirement in the present application. Accordingly, the Examiner's restriction requirement is believed to be improper and has been traversed for the reasons set forth above.

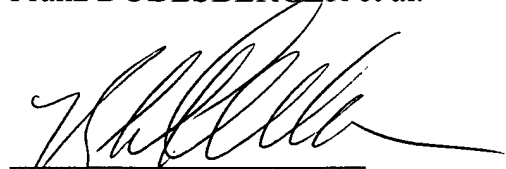
Nevertheless, in order to be fully responsive, Applicant has elected with traverse the invention defined by the Examiner as Group II, claims 1-10 in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

The Commissioner is hereby authorized to charge and fees necessary for the

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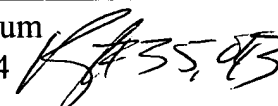
consideration of this paper to deposit account 19-0089.

Respectfully submitted,  
Franz DOBESBERGER et al.

A handwritten signature in dark ink, appearing to read 'Neil F. Greenblum', written over a horizontal line.

Neil F. Greenblum

Reg. No. 28,394

Handwritten initials or a number, possibly '35,83', written in dark ink.

June 29, 2004

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